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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,495	10/29/2001	Yosuke Kimoto	SONY JP 3.3-033 DIV	3372
530 7590 02/04/2009 LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090				
EXAMINER SHANG, ANNAN Q				
ART UNIT		PAPER NUMBER		
2424				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/021,495

Applicant(s)

KIMOTO, YOSUKE

Examiner

ANNAN Q. SHANG

Art Unit

2424

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3, 8 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 8 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/18/08 has been entered.

Response to Arguments

2. Applicant's arguments/amendments with respect to claims 1, 3, 8 and 12 have been considered but are moot in view of the new ground(s) of rejection.

With respect to claims 1, 3, 8 and 12, rejected under 103(a) as being unpatentable over **Alexander et al (6,177,931)** in view of **Killian (6,163,316)**, applicant amends claims and further argues that the prior art of record do not teach the amended claims limitation (see page 6+ of Applicant's Remarks).

In response, Examiner disagrees. Examiner notes applicant's arguments; however, the prior arts of record meet the amended claim limitations. Alexander teaches all the claim limitations, and further teaches where a processor of the TV receiver (TVR) stores and displays various modes of Guide, last viewed image, based on the set-up of the receiver, i.e., automatically by the receiver system or as instructed by the user based on preferences. For example a user may instruct or set-up the receiver such that,

when a user turns on the TV, the first thing the viewer sees is the guide and further permits the viewer to override the default mode to set a desired mode (last watched channel + its genre, guide mode (default, favorite program listing, etc.,) to display the last-watched channel, favorite channels, etc., when the viewer turns on the TV (col.30, line 47-col.31, line 8). Alexander clearly teaches where the receiver system automatically sets default mode to display: last watched channel + its genre, guide mode (default, favorite program listing, etc. which is based solely of information stored immediately before turning off the TV and furthermore provides other options to the user to control the receiver system as desired, but silent as to displaying a list of recommended programs and automatically performing action for the user as to a list of recommended programs stored and not stored. Alexander further discloses displaying program guide including a plurality of program logos each corresponding to a respective one of a plurality of programs, and when a given one of the plurality of program logos is selected, the displayed program guide further including a reduced image of the respective program corresponding to the selected program logo and text showing contents of the respective program (figs.1, 3, 4-9, col.3, line 63-col.4, line 27, col.7, lines 1-17 and col.8, line 19-35); Alexander teaches downloading and storing in RAM, Guide data, and/or supplemental information relevant to the listings and stores favorite listings; and further discloses that lock/unlocked status is maintained until the status is reset by the viewer and the EPG is maintained when the viewer leaves the Guide and later re-enters the Guide, including when the viewer turns off the television, hence upon turning ON the TV if the Guide is display (see figs.1, 3 and 4-9) and user is further able to

interact to retrieve and display stored Guide and related information (PIP, description, etc. reduce images and text). Alexander is silent as to displaying a list of recommended programs and automatically performing action for the user as to a list of recommended programs stored and not stored. However, **Killian** monitors a viewer's profile information, suggests programs to the viewer and further discloses performing other functions for the user based on the generated profile of the viewer (figs.3, 6, 7, col.2, lines 1-42, col.11, line 50-col.12, line 7, col.14, line 13-col.15, line 4 and col.16, line 8-col.17, line 1+). Hence the amended claims do not overcome the prior arts of record as discussed below in the office action. The amendment to the claims necessitated the new ground(s) of rejection. **This office action is non-final.**

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3, 8 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Alexander et al (6,177,931)** in view of **Killian (6,163,316)**.

As to claim 1, note the **Alexander** reference figure 1, discloses systems and methods for displaying and recording control interface with TV programs and program scheduling information and further discloses a receiver for receiving broadcast signals and program guide information, the receiver comprising:

A receiving unit (TV Receiver 'TVR' 10 or Information Box 24 Receiver, fig.1, col.2, line 62-col.3, line 20 and col.5, lines 21-45) operable to receive broadcast signals (see figs.1 and 20 of WO 96/07270);

A storage unit (TVR-10 Memory, col.5, lines 21-45) operable, in response to the receiver receiving an instruction to turn off a power source of the receiver, to store content information indicating whether content displayed immediately before the receiver turns the power source is a program guide or a program and if the content displayed immediately before the receiver turns off the power source is a program, to store genre information indicating a genre of the program (col.7, lines 1-17); and

A display controller (Processor/Display Controller, col.5, lines 21-45) operable, to determine whether to display the program guide, a recommended program, or another program of the genre indicated by the stored genre information as an initial image in response to the power source being subsequently turned on, the determination being based solely on the content information and the genre information that were stored immediately before the receiver turns off the power source, the program guide being displayed as initial image if the content information stored in the storage unit indicates that the program guide was displayed immediately before turning off the power source of the receiver, and to display as the initial image at least one of a list of favorite programs or program when the content information indicates that the program was displayed immediately before turning off the power source of the receiver and the currently broadcast program is listed in a list of favorite programs (col.7, lines 1-17).

Alexander teaches a TVR, which when the Guide is the default mode, and the user turns on the TV, the first thing the viewer sees is the guide and further permits the viewer to override the default mode to set a desired mode (last watched channel + its genre, guide mode (default, list of favorite programs, etc..), to display the last-watched channel, favorite channel, etc., when the viewer turns on the TV (col.30, line 47-col.31, line 8) and further discloses displaying program guide including a plurality of program logos each corresponding to a respective one of a plurality of programs, and when a given one of the plurality of program logos is selected, the displayed program guide further including a reduced image of the respective program corresponding to the selected program logo and text showing contents of the respective program (figs.1, 3, 4-9, col.3, line 63-col.4, line 27, col.7, lines 1-17 and col.8, line 19-35); note that Alexander teaches downloading and storing in RAM, Guide data, and/or supplemental information relevant to the listings and stores favorite listings; and further discloses that lock/unlocked status is maintained until the status is reset by the viewer and the EPG is maintained when the viewer leaves the Guide and later re-enters the Guide, including when the viewer turns off the television, hence upon turning ON the TV if the Guide is display (see figs.1, 3 and 4-9) and user is further above to interact to retrieve and display stored Guide and related information (PIP, description, etc.)

Alexander is silent as to displaying a list of recommended programs and automatically performing action for the user as to a list of recommended programs stored and not stored.

However, **Killian** monitors a viewer's profile information, suggests programs to the viewer and further discloses performing other functions for the user based on the generated profile of the viewer (figs.3, 6, 7, col.2, lines 1-42, col.11, line 50-col.12, line 7, col.14, line 13-col.15, line 4 and col.16, line 8-col.17, line 1+).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Killian into the system of Alexander in order to generate a list of recommended programs for the viewer and further configure the viewer's terminal to display the last-watched channel, including the Guide channel, furthermore configure the viewers display, to display other recommended programs of interest based on the viewer's profile, including desire genre, thereby reducing the viewer's search for desired channels or programs upon turning on the TV and furthermore to draw the viewer's attention to the last-watched program or last-watched channel before the TV was turn-off.

As to claim 3, the claimed "In a receiver having a power source, a method comprising..." is composed of the same structure elements that were discussed with respect to the rejection of claim 1.

Claim 8 is met as previously discussed with respect to claim 1.

Claim 12 is met as previously discussed with respect to claim 1.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC) at 866-217-9197 (toll-free)**. If you would like assistance from a **USPTO Customer Service Representative** or access to the automated information system, **call 800-786-9199 (IN USA OR CANADA) or 571-272-1000**.

/Annan Q Shang/

Primary Examiner, Art Unit 2623

Annan Q. Shang